

1 Q. Can you tell us where you were though when you
2 were talking to him?

3 A. In the driver seat.

4 Q. Are you in your car?

5 A. Yes.

6 Q. Where is Mr. McDonald when you're talking to him?

7 A. In his car.

8 Q. During the time that you're talking to
9 Mr. McDonald, where are, where is Weston Lee Howe and
10 Walter Polson?

11 A. They're in my car.

12 Q. How are they located or situated in your car?

13 A. Polson is in the back seat laying down and Howe
14 is in the front seat laying down.

15 Q. Why are they laying down?

16 A. So McDonald don't see them.

17 Q. Why is that?

18 A. Because nobody is going to stop and talk to you
19 if there is three guys in the car.

20 Q. You indicated that you talked to Mr. McDonald
21 briefly?

22 A. Right.

23 Q. What then next do you do and what happens?

24 A. We drove around in there for a little bit and he
25 waved us down again and said he wanted to go out. So he

1 followed us.

2 Q. And as he waved you down this time, where then
3 are Mr. Weston Lee Howe and Walter Polson?

4 A. They're still laying down in the same situation,
5 same position.

6 Q. So where do you go?

7 A. Up to Riverside, not Riverside but Monument and
8 Keowee, Monument and Findlay.

9 Q. And why do you go there?

10 A. Just somewhere to go.

11 Q. And when you get to that location, are you still
12 driving your car?

13 A. Yes, I am.

14 Q. Do you park your car?

15 A. Yes.

16 Q. Can you explain to us how you pull into that
17 location and where you parked?

18 A. It's got two entrances off the side of the street
19 of Monument. You can either go in the first one or go
20 into the second one.

21 Q. Do you recall which one you went in?

22 A. The second one, I think.

23 Q. And did you park your car?

24 A. Yes, I did.

25 Q. Where did you park your car?

1 A. With the rear end of it toward river.

2 Q. What do you mean by that?

3 A. Backed up to the river.

4 Q. What does Mr. McDonald do with his car?

5 A. He pulls his into a kind of like the passenger
6 side of the car facing my driver side but he's pulled
7 off a little bit of the right the front end.

8 Q. Can you see this diagram I'm holding up?

9 A. Yes, I can.

10 Q. Let me orient you just a little bit so you know.
11 This would be east Monument.

12 A. Right.

13 Q. As so noted, this would be Findlay Street,
14 service road entrance and service road entrance into the
15 park area?

16 A. Right.

17 Q. Do you recognize this being as somewhat accurate
18 as to the pathways of the roadways inside the area of
19 Monument and Findlay where you went?

20 A. Pretty much.

21 Q. And are you able to point out to us as to where
22 you parked?

23 A. Right there where I guess that's his car parked
24 there, that little square box like with the two x's. My
25 car was parked right there where the little indentment

1 is.

2 Q. What? Are where? What?

3 A. Indents.

4 Q. Right here?

5 A. Right.

6 Q. Do you recall if whether or not if back by where
7 you parked the car, there was any little, a sign there?

8 A. Yes, there was.

9 Q. And what kind of sign do you recall that to have
10 been, if you know?

11 A. No fishing or no swimming, something like that.

12 Q. I would like to hand you what's been marked as
13 State's Exhibit 6 by the red tag. It's a photograph.
14 Ask if you recognize, first of all, that car as being
15 the one that Mr. McDonald was in?

16 A. Yes, I think so.

17 Q. Now, I would like to point your direction to this
18 little sign, it's a black and white sign. Is that sign
19 about where you parked your car?

20 A. It is where I parked my car.

21 Q. And I believe you indicated that you parked your
22 car with its back end back into towards the sign?

23 A. Right.

24 Q. Your front end is facing out?

25 A. Right.

1 Q. You parked the car. At the time you parked your
2 car, what is Weston Lee Howe and Walter Polson, at that
3 time when you parked, what are they doing?

4 A. Still laying down in the car.

5 Q. At that time as you park your car, do you know at
6 that time whether or not Weston Lee Howe has a gun?

7 A. Yes, I do.

8 Q. How do you know that?

9 A. 'Cause it's underneath my right leg.

10 Q. What do you mean by that?

11 A. It's tucked up underneath my knee.

12 Q. And do you know what kind of gun it or what color
13 the gun is?

14 A. It's a black gun.

15 Q. When you parked the car, the individual,
16 Mr. McDonald, after he -- his car came to a stop, I
17 presume?

18 A. Yes.

19 Q. What did he do?

20 A. He got out and walked up to the driver side of my
21 car.

22 Q. And is there a conversation then with you and he?

23 A. Yes.

24 Q. What does he say?

25 A. We were just talking about things of various

1 natures.

2 Q. Does he make any comments about Weston Lee Howe?

3 A. He said, I didn't know there was two of us in the
4 car.

5 Q. When Mr. McDonald came up to your car, what was
6 Mr. Howe, how was he situated, what was he doing or
7 looked like he was doing?

8 A. He was laying down with his butt up against the
9 passenger door with his gun up underneath my right leg.

10 Q. Does Mr. Howe at any time, Weston Lee Howe, say
11 anything to you?

12 A. He kept repeating now? Now? Now?

13 Q. What do you mean by that?

14 A. Should he rob him now or later.

15 Q. Tell us what happens.

16 A. Came down to it and that we were talking for
17 about five minutes or so, me and McDonald, and once he
18 found out Howe was in the car, Howe just kept layed
19 ducked over, and Howe shot him.

20 Q. Can you explain how that occurred?

21 A. He just pulled the gun and shot him three times.

22 Q. What happened to Mr. McDonald?

23 A. He fell to the ground and then got up and ran.

24 Q. What then occurred with Mr. Weston Lee Howe and
25 Walter Polson?

1 A. They got out of the car and chased him down.

2 Q. Could you see where they went to?

3 A. Off to the right-hand side of the car.

4 Q. And what did you do?

5 A. I started the car up.

6 Q. And what happened next?

7 A. I pulled up to where they are. We heard an
8 ambulance. We thought I was a police cruiser but it was
9 just an ambulance. They jumped in the car. We took
10 off.

11 Q. And as you took off, could you see or where was
12 or what the situation was with Mr. McDonald?

13 A. He was still laying on the ground.

14 Q. And as you -- did you leave that area?

15 A. Yes.

16 Q. As you're leaving the area, is there any
17 conversation between the three of you as to about what
18 had happened?

19 A. I don't remember.

20 Q. And what are you doing during this time as you
21 were leaving?

22 A. Very nervous.

23 Q. Pardon me?

24 A. Very nervous.

25 Q. Where did you go to? What happens after you

1 leave that area?

2 A. We jumped on the highway, which is route, I think
3 it's Route 4, whatever the highway is right next to it,
4 whatever the highway is.

5 Q. And?

6 A. And went up to Harshman, I think it is, and got
7 off.

8 Q. When you get off there at Harshman, I'm not sure
9 where, where are you at that time?

10 A. I'm still on the driver seat driving the car.

11 Q. And during any of this time is there any
12 discussion about money or wallet or billfold?

13 A. They had Mark McDonald's wallet.

14 Q. And after -- did you see the wallet?

15 A. Not really.

16 Q. Was there a discussion about the wallet?

17 A. Just contents that was inside of it.

18 Q. Do you know if there was any money inside the
19 wallet?

20 A. I think five dollars.

21 Q. Where after the shooting did the three of you go
22 concerning the contents of the wallet?

23 A. To Green Machines.

24 Q. Do you know how many different Green Machines or
25 trips were made to a Green Machine?

1 A. Three or four.

2 Q. Three or four different trips?

3 A. Do what?

4 Q. Three or four different trips?

5 A. One we went to twice.

6 Q. Are you able to tell us what time the shooting
7 occurred or what time you were going to the Green
8 Machine?

9 A. A little bit after six.

10 Q. After going to the Green Machines, what then did
11 the three of you do?

12 A. Drove to the back of the Oregon District and
13 threw the wallet in the sewer.

14 Q. And after doing that, what did you do?

15 A. I took them two home.

16 Q. When you took them two home, where did you take
17 them to?

18 A. Valley Street.

19 Q. And did you after, did you drop them off?

20 A. Right.

21 Q. Where then did you go?

22 A. I went back to my cousin's house.

23 Q. That would be Fifth and June?

24 A. Right.

25 Q. That day when you say Monday or the shooting or

1 the Green Machine occurred a little after six?

2 A. Six in the morning.

3 Q. You're talking -- are you talking about Monday,
4 June 22d --

5 A. Right.

6 Q. -- 1992?

7 Sometime after you got home on Fifth and June,
8 did you ever have an occasion then to go back over to
9 Valley Street?

10 A. Yes, I did.

11 Q. About what time did that occur?

12 A. That happened about 4 o'clock in the afternoon.

13 Q. When at Valley Street, about that time in the
14 afternoon, did you have an occasion -- did you take
15 Walter Polson to a hospital?

16 A. Yes, I do.

17 Q. Which hospital?

18 A. Miami Valley.

19 Q. Do you and Walter Polson finally leave the
20 hospital?

21 A. Yes, we do.

22 Q. After leaving the hospital, where then do you and
23 he go?

24 A. We drove around for a little bit and then we
25 ended up over on the levee.

1 Q. When you say the levee, where are you talking
2 about?

3 A. River -- Deeds Parkway in between Riverside, I
4 mean, in between Monument -- Webster and Helena.

5 Q. Is there a bridge at both Webster and at
6 Monument, I mean, Findlay Street, excuse me, I think
7 Helena and Webster?

8 A. Yes.

9 Q. Are those the bridges that border what I call the
10 river levee, what you call the levee?

11 A. Yeah, there is two bridges in it or highways.

12 Q. When you were there at this time on what's been
13 called the levee, you make contact with a person by the
14 name of Richard Blazer?

15 A. Yes, we do.

16 Q. And how does that happen?

17 A. We knew -- well, I knew him personally. Anyways,
18 we pulled up and he asked me why I haven't called in
19 awhile. 'Cause I didn't get his phone number.

20 Q. Did you talk to him?

21 A. Briefly.

22 Q. Do you at that time get a phone number from him?

23 A. Yes, I do.

24 Q. Now is Walter Polson with you when you're talking
25 to Mr. Blazer?

1 A. Yes, he is.

2 Q. Do you explain to Mr. Blazer who Walter Polson
3 is?

4 A. I addressed to Mr. Blazer that he was Tom.

5 Q. Pardon?

6 A. I think I addressed to Mr. Blazer that he was
7 Tommy.

8 Q. Tommy?

9 A. Yeah.

10 Q. Do you get Mr. Blazer's phone number?

11 A. Yes, I do.

12 Q. How do you get his phone number?

13 A. He gave it to me and I wrote it down in my
14 address book.

15 Q. I would like to hand you what's been marked as
16 State's Exhibit 74 for identification purposes in just a
17 minute.

18 (WHEREUPON, State's Exhibit 74 was marked
19 for identification.)

20 Q. Do you see the number 74, red tag?

21 A. Yes, I do.

22 Q. Can you identify that object for me, please?

23 A. It's my address book.

24 Q. And in there do you see the telephone number for
25 Dick?

1 A. It's the last one.

2 Q. And is that, is that number and the name placed
3 in there by you?

4 A. Yes, it is.

5 Q. And that's the number that you received by
6 Mr. Blazer that day?

7 A. Yes.

8 Q. After you get Mr. Blazer's telephone number, do
9 you and Walter Polson then leave after talking to him?

10 A. Yes.

11 Q. Where then do you and Walter Polson go?

12 A. We went back to Walter's house.

13 Q. And approximately what time would it be that you
14 go back there?

15 A. Around 5 or 6 in the afternoon.

16 Q. At Valley Street. After you get back there with
17 Mr. Polson, do you have any conversation with Walter
18 Polson and Weston Lee Howe concerning a robbery of
19 Mr. Blazer?

20 A. Later on that night we did.

21 Q. About what time does that occur?

22 A. Around 8:30, 9.

23 Q. Where does this conversation take place?

24 A. In their house.

25 Q. And what is that conversation? Tell us about

1 that.

2 A. Just talking about how we could rob them.

3 MR. ARNTZ: Once he identifies the
4 speaker.

5 THE COURT: Lay a better foundation Mr.
6 Slavens. Sustain the objection.

7 BY MR. SLAVENS:

8 Q. Do you have a conversation with, you indicated,
9 with Weston Lee Howe and Walter Polson and yourself, is
10 that correct?

11 A. Right.

12 Q. Is anybody else present during this conversation
13 to overhear that conversation?

14 A. Just us three.

15 Q. And when you're communicating, when you're
16 talking to these two other people, are you each able to
17 hear everybody else talk?

18 A. Right.

19 Q. And concerning the conversation, how does it
20 develop as to the robbery of Mr. Blazer?

21 A. What do you mean?

22 Q. What is said and what is said by whom?

23 A. Just talked about robbing him in general, how we
24 could do it.

25 Q. And how was it said that it would be done? What

1 was the plan?

2 A. Just me and Polson go inside the house, Polson
3 got a gun. Polson pulls out his gun and says, we want
4 your money. And I go outside. I open the door, go
5 outside and I let Howe in. I go and start up the car.

6 Q. Do you make, do you eventually go over to Mr.
7 Blazer's house?

8 A. Yes.

9 Q. Before going over to Mr. Blazer's house, do you
10 have any type of telephone communication with
11 Mr. Blazer?

12 A. Yes, I did.

13 Q. And what -- do you talk to Mr. Blazer?

14 A. Yes.

15 Q. What do you say to Mr. Blazer?

16 A. Just talked about me and Walter coming over.

17 Q. Do you use the name Walter or the name Tommy?

18 A. Tommy.

19 Q. And do you, after that conversation, go over to
20 Mr. Blazer's?

21 A. About an hour afterwards.

22 Q. What is the, the seating arrangement in your car
23 as you go over to Mr. Blazer's? Howe is situated or
24 seated where?

25 A. I'm in the driver seat. Polson is in the

1 passenger seat. Howe is in the back seat.

2 Q. When you go over there, do you know if Weston Lee
3 Howe and Walter Polson had a gun?

4 A. Yes.

5 Q. And what do you know about who had what gun or
6 guns?

7 A. They both had guns.

8 Q. When you get to Mr. Blazer's, do you park your
9 car?

10 A. Yes.

11 Q. And how do you park your car?

12 A. In the driveway up against the garage.

13 Q. Before pulling in or, or getting up to the, to
14 the garage, do you see Mr. Blazer?

15 A. He was inside the house.

16 Q. And when you -- do you eventually park your car,
17 stop it, and park it?

18 A. Yes.

19 Q. What happens?

20 A. Howe stayed in the car while me and Polson went
21 in the house.

22 Q. When you get inside the house -- how do you knock
23 on the door? Does he let you in or what happens?

24 A. He was waiting for us to get there.

25 Q. Pardon?

1 A. Blazer was waiting for us to arrive.

2 Q. All right. So what happens? How do you get in?

3 A. He let us in.

4 Q. When you go in that house at that time, where do
5 you go to?

6 A. To the living room.

7 Q. And tell us what happens.

8 A. We stood in there for about a minute or 30
9 seconds to a minute and then Polson pulled out his gun
10 and told him this is a robbery.

11 Q. What does Mr. Blazer do?

12 A. Says, get out of my house.

13 Q. Who does he say that to?

14 A. To Polson.

15 Q. And is this in the living room?

16 A. Yes.

17 Q. How does he say that to Mr. Polson?

18 A. In a very strong tone of voice.

19 Q. What does Polson do?

20 A. Stands there.

21 Q. Or what happens?

22 A. He just stood there.

23 Q. While you're inside do you know -- what are you
24 doing when this happens?

25 A. I'm heading for the door at that time.

1 Q. And do you go out the door?

2 A. Yes.

3 Q. At some point in time as you're going out before
4 you're going out the door or after you get out the door,
5 do you hear a shot?

6 A. Yes.

7 Q. As you go out the door, do you know at that time
8 where Walter Polson and Mr. Blazer are?

9 A. As I was out the door, as far as I know, they was
10 still in the living room.

11 Q. As you go out the door of Mr. Blazer's house, I'm
12 assuming, do you go out the front door?

13 A. Yes.

14 Q. And do you open the doors and go out?

15 A. Right.

16 Q. Where is Weston Lee Howe after you go out the
17 door?

18 A. In the front yard.

19 Q. What is he doing?

20 A. Sitting down in the front yard like down on one
21 knee, I think.

22 Q. And what is he -- do you go past him? Or after
23 you see him, where does he go and what do you do?

24 A. He stayed practically in the same spot and I
25 headed for the car.

1 Q. You head for the car. As you're headed for the
2 car, do you hear any other shots?

3 A. Yes, I do.

4 Q. And what do you hear?

5 A. Just gunshots.

6 Q. Are you -- do you know who shot those shots?

7 A. Howe.

8 Q. And how do you know that?

9 A. 'Cause they came from outside the house.

10 Q. Do you get to your car?

11 A. Yes.

12 Q. When you get to your car, what do you do?

13 A. Try to get the keys in the ignition.

14 Q. Where then are Weston Lee Howe and, and Walter
15 Polson?

16 A. They're heading for the car.

17 Q. Do you at that time see Mr. Blazer?

18 A. Yes.

19 Q. Where is he?

20 A. Laying on the ground.

21 Q. Do Howe and Polson get into your car?

22 A. Yes.

23 Q. And when they get in the car, can you tell us
24 what the seating arrangements were then?

25 A. I was driving the car, Polson was in the front

1 passenger seat, and Howe was in the back.

2 Q. Do you get your car started?

3 A. Yes.

4 Q. What do you do?

5 A. Put it in reverse and take off.

6 Q. You back out the driveway?

7 A. Yes.

8 Q. And then after you back out the driveway, where
9 do you go?

10 A. Down towards Salem Avenue.

11 Q. Do you know how you got to Salem Avenue?

12 A. After I back out of the driveway, I took off. I
13 put my rear end to the right-hand side of the street and
14 front toward the left-hand side and took off up Tennyson
15 to Victoria, I think the name of the street is, turned
16 left, and went up to Salem Avenue.

17 Q. Do you, as you're leaving or as you get on Salem
18 or some point in time learn there is a car following
19 you?

20 A. Yes.

21 Q. And explain how you learn that?

22 A. It was just chasing us.

23 Q. And after -- do you know what kind of car it was
24 or do you know at that time what, what kind of car it
25 was?

1 A. It was a white Chevy Corsica.

2 Q. Did you know that was or was not a police car?

3 A. It looked like an undercover cop cruiser.

4 Q. Do you know where you went or where you were
5 trying to go to as now being chased?

6 A. I was just trying to get him off my tail.

7 Q. The car followed you for a while?

8 A. Yes.

9 Q. Do you know, are you able to tell us, where you
10 went and where you ended up?

11 A. I turned off Salem Avenue, left onto Auburn, and
12 I turned, went down to the end of the street, turned
13 right onto Fairview, shot across to Catalpa and down to
14 one of the side streets, cut, took a right-hand turn,
15 which led me over to Norman, I shot down Norman across
16 Main Street down to Riverside.

17 Q. During this time what, if anything, if you know,
18 happened to the guns?

19 A. They still had them.

20 Q. What is the general condition, if you will,
21 mechanically, anyway, of your car? How is it doing in
22 this process?

23 A. Well, it's missing, it's missing a brake caliper
24 on the driver side front end, brake lights popping on
25 and off.

1 Q. You're operating on three brakes?

2 A. Yeah.

3 Q. Okay. During this time is Mr. Weston Lee Howe
4 telling you to go any certain spot or location?

5 A. Not at that time.

6 Q. At any time?

7 A. Later on he was.

8 Q. And when was that?

9 A. When we were coming down Riverside.

10 Q. What does he say to you?

11 A. He's telling me to go across the bridge which is
12 Helena Street bridge.

13 Q. And do you do that?

14 A. No.

15 Q. What do you do?

16 A. I turned right on McOwens and bailed out.

17 Q. When you bailed out of the car, where did you go
18 to?

19 A. The left-hand side of the street.

20 Q. What happened, if you know, at that time to
21 Weston Lee Howe and Walter Polson?

22 A. They went to the right-hand side of the street.

23 Q. When you go the direction that you go, do you
24 know if you're going north or south?

25 A. I'm going toward Helena.

1 Q. And where specifically then do you end up?

2 A. In the backyard of some man or woman's house.

3 Q. At that time when you get into that backyard, do
4 you know where Weston Lee Howe and Walter Polson are or
5 going to?

6 A. They're still running.

7 Q. But do you know where?

8 A. I seen them in the alley, that's as far as I
9 know.

10 Q. After you get, get in this backyard, do you then
11 see either one of those two individuals get arrested?

12 A. Yes.

13 Q. Explain to us how you saw that.

14 A. I seen three or four cops chasing after one of
15 them.

16 Q. And could you tell which one it was the cops
17 chased?

18 A. Not really. It was dark.

19 Q. And how are you able to see? What are you doing
20 in order to see what you saw?

21 A. Looking in between the fence posts.

22 Q. And how long do you stay there?

23 A. Probably about three or four hours.

24 Q. I would like to show you some photographs,
25 State's Exhibits 31, 30, and 32. Do you recognize any

1 of the vehicles that are in those photographs?

2 A. It's my Chevy Monza.

3 Q. And does this appear to be the spot to which you
4 stopped it on the one street you mentioned?

5 A. Yes.

6 Q. How long had you had this car?

7 A. About a month or month and a half.

8 Q. When you got the car, was it painted this maroon?

9 A. No.

10 Q. How long had it been painted in this condition,
11 maroon?

12 A. About two weeks.

13 Q. And who did that?

14 A. I did.

15 Q. I would like to hand you another set of
16 photographs, 50, 53, and ask if you recognize what those
17 photographs are of?

18 A. It's the garage I was laying next to.

19 Q. Can you point us to where you were laying next to
20 in the garage or by the garage?

21 A. Down the far side next to this fence.

22 Q. Okay. And the far side, would that be the side,
23 at least in this photograph there is a big black, I want
24 to say, trash can, but there is also two smaller ones
25 but regular size aluminum?

1 A. Yeah.

2 Q. You're down on that side?

3 A. Right.

4 Q. Now do you know if this fence goes all the way up
5 to the front of this house or is this the fence you were
6 looking through?

7 A. That's the fence I was looking through. It went
8 up to the house as far as I know.

9 Q. After you got out of your car in this photograph,
10 when next do you ever have an opportunity to talk to
11 either Weston Lee Howe or Walter Polson?

12 A. I don't. Other, other than here in jail.

13 Q. Pardon me?

14 A. Here in jail.

15 Q. You stay back there or you said for a couple of
16 hours, two or three hours back by that garage or at
17 least in that yard?

18 A. Right.

19 Q. When you go into that garage or that, that yard,
20 what were you then wearing?

21 A. Blue jeans and a jean jacket.

22 Q. And did you have anything on underneath the blue
23 jeans?

24 A. A Georgetown outfit.

25 Q. What do you mean by that?

1 A. It's a college basketball team outfit.

2 Q. Long pants?

3 A. No. Black shorts and a white muscle T-shirt.

4 Q. What, if anything, do you do with your trousers?

5 A. Left them laying in the yard.

6 Q. I would like to show you what's been marked
7 State's Exhibit 51, and ask if you recognize that as
8 your picture anyway of your trousers, if you know?

9 A. It's where I left them laying at.

10 Q. Let me hand you, sir, what's been marked, by a
11 red tag in a sack, State's Exhibit 54, and ask if you
12 can identify those for us?

13 A. They're my jeans.

14 Q. Do you eventually leave from that area behind
15 that house and where you left your jeans?

16 A. Yes.

17 Q. Where then do you go?

18 A. I was acting like a jogger. I ran up to
19 Riverside.

20 Q. And do you eventually get over to somehow or
21 another to Valley Street?

22 A. Yes.

23 Q. And when I say Valley Street, the apartment which
24 Weston Lee Howe stayed or where you guys left from that
25 night?

1 A. Yes.

2 Q. When you get there at Valley Street, do you make
3 contact with any person or people?

4 A. Two people.

5 Q. And who do you make contact with?

6 A. Angie Bazer and Terri Lynn Elofskey.

7 Q. And what, if anything, do you say to those
8 people?

9 A. Just told them that we got chased by the cops. I
10 don't know whether Howe or Polson got caught or not.

11 Q. After that, where do you go?

12 A. I went to my cousin's house, Vaughnee's.

13 Q. Now where is that?

14 A. Fifth and June.

15 Q. All right. Do you know of what time it was that
16 you end up at Fifth and June?

17 A. About 4 o'clock in the morning.

18 Q. Now, from the time that you had gotten out of
19 your car and you hid behind the house there, from the
20 time you got out of your car until you get over to Fifth
21 and June, do you, at that time do you know or don't know
22 where Howe and Polson are?

23 A. I don't know.

24 Q. After you get to Fifth and June, are you
25 arrested?

1 A. About an hour after I was there.

2 Q. And arrested by patrolman from the Dayton Police
3 Department?

4 A. Yes.

5 Q. From the location at Fifth and June, are you
6 taken downtown?

7 A. Yes.

8 Q. Are you placed into any room downtown?

9 A. Yes.

10 Q. And do you meet any detectives while you're in
11 that room?

12 A. Yes, I do.

13 Q. And who do you meet?

14 A. Wade Lawson and Tony Spells.

15 Q. Do you know about what time it is that they come
16 into the room and talk to you?

17 A. It was 4:59 in the morning when I signed the
18 rights form.

19 Q. From the time that you had bailed out of the car
20 until you're with the police officers at that time that
21 you just mentioned, do you ever have any opportunity to
22 talk to Weston Lee Howe or Walter Polson?

23 A. No.

24 Q. I would like to hand you what's been marked as
25 State's Exhibit 73 for identification purposes, and ask

1 you if you do recognize what that is?

2 A. It's the Pre-Interview Form, waive the rights
3 form that I signed.

4 Q. And did the police officers explain that form to
5 you?

6 A. Yes, they did.

7 Q. Did they give it to you to read or they read it
8 to you or how, do you recall how this happened?

9 A. I think they read it to me.

10 Q. And did you understand what was happening?

11 A. Yes.

12 Q. And did you sign your name to this form?

13 A. Yes, I did.

14 Q. And is your signature on this form, and if so,
15 tell us where it is?

16 A. Right here on the, the lower right-hand corner.

17 Q. Is the first one word is Tony?

18 A. Right.

19 Q. Next word is Dwayne?

20 A. Right.

21 Q. And Elofskey is here?

22 A. Right.

23 Q. Do the detectives tell you about the subject
24 matter that they're going to talk to you about? They
25 tell you what they're going to ask you questions about?

1 A. They just asked me questions.

2 Q. Did they ask you questions about Mr. Blazer?

3 A. Yes.

4 Q. And what happened that night?

5 A. Yes.

6 Q. And what did you first tell them?

7 A. A bunch of bull crap.

8 Q. What do you mean? What did you tell them?

9 A. Just told them I didn't know what they were
10 talking about. My car was stolen.

11 Q. And did they tell you they didn't believe you?

12 A. Right.

13 Q. So then what did you tell them?

14 A. After I was sitting there for about an hour, I
15 just kept the same story, then I changed it and told
16 them the truth.

17 Q. And when you told them the truth, what did you
18 tell them?

19 A. Told them just what happened.

20 Q. And do you recall if you first talked to them
21 about what happened at Mr. Blazer's or did you talk to
22 them first, if you recall, as to what happened with
23 Mr. McDonald?

24 A. We talked about Blazer.

25 Q. And what did you tell them about what happened

1 with Mr. Blazer?

2 A. Just told them exactly what happened.

3 Q. Did you tell them basically what you just told
4 this jury here?

5 A. Yes.

6 Q. At any time did either Detective Spells or
7 Detective Lawson explain to you any details of their
8 investigation?

9 A. What do you mean?

10 Q. Did they tell you what they have, any details of
11 anything they have learned from any other source?

12 A. Just told me that they had Polson down at Oregon
13 getting a wallet out of the sewer and Polson told them
14 about McDonald.

15 Q. Did the police officers explain to you any of the
16 details other than that as to what Polson had told them?

17 A. No.

18 Q. Did you talk to the police officers about what
19 happened to Mr. McDonald?

20 A. Yes.

21 Q. And what did you tell the police officers as to
22 what happened with Mr. McDonald?

23 A. The same thing I just told the jury.

24 Q. Did you eventually have an interview with either
25 of those police officers or any of the police officers

1 that morning at which time you were video recorded?

2 A. Yes.

3 Q. When that was occurring, the police officers told
4 you they were going to conduct a video interview?

5 A. Yes.

6 Q. And you fully knew that?

7 A. Right.

8 Q. When you were being videoed, is there a camera
9 present?

10 A. Yes.

11 Q. And are you able to see the camera when that
12 happens?

13 A. It's from where, where I'm standing to where
14 Detective Lawson.

15 Q. You mean, where the camera was?

16 A. Yeah.

17 Q. And when you're having that interview, I'm going
18 to call video interview, if you will, do you tell them
19 what you told them in the earlier interviews?

20 A. Yes.

21 Q. Do you tell the police officers, generally
22 speaking, the same thing you've told us today about what
23 happened to Mr. Blazer and Mr. McDonald?

24 A. Yes.

25 Q. At any time do any of the police officers ever

1 tell you what to say?

2 A. No.

3 Q. At that time you have the video interview, at
4 that time, had you -- let me strike that.

5 From the time you gotten out of the car at McOwen
6 until you had the video interview, had you during that
7 span of time that had passed ever talked to Weston Lee
8 Howe or Walter Polson?

9 A. No.

10 Q. And is it correct that you were indicted?

11 A. Yes.

12 Q. You were indicted for the aggravated murder of
13 Mark McDonald and also of Mr. Richard Blazer?

14 A. Right.

15 Q. And you're also charged with aggravated robbery,
16 aggravated robbery and aggravated burglary?

17 A. Right.

18 Q. After you were indicted, did you receive services
19 of an attorney or attorneys?

20 A. Yes.

21 Q. And do you know who you were working with?

22 A. Rudy Wehner and Robert Coughlin.

23 Q. You had two lawyers?

24 A. Yes.

25 Q. I would like to hand you what's been marked as

1 State's Exhibit 73 for identification purposes, it's a
2 photostatic copy, and ask if you recognize what that is
3 a copy of?

4 A. It's a paper I signed the other day.

5 Q. And that was in open court? Was that in court?

6 A. It was in court, yes.

7 Q. As a matter of fact, it was in front of Judge
8 Dodge right here?

9 A. Right.

10 Q. And were your lawyers present?

11 A. Yes, they were.

12 MR. MONTA: What number was that, John?

13 MR. SLAVENS: 73.

14 BY MR. SLAVENS:

15 Q. And this plea form indicates, just so we
16 understand what it says, that you're pleading guilty to
17 two counts of aggravated murder?

18 A. Right.

19 Q. And the impact of the plea and your rights that
20 you were giving up and penalty were explained to you at
21 the time you entered this plea, wasn't it --

22 A. Yes.

23 Q. -- by Judge Dodge?

24 A. Right.

25 Q. When you were arrested at the place over there on

1 Fifth and June and taken down to the police department,
2 did the police officers take from you or get from you
3 the clothing that you were wearing?

4 A. No. Well, yeah. They got the Georgetown outfit
5 after I was booked into jail.

6 (WHEREUPON, State's Exhibit 75 was marked
7 for identification.)

8 Q. Now, I'm going to show you what's been marked by
9 this red tag, State's Exhibit 75.

10 I want to hand you some items of clothing and see
11 if you can identify what those items are.

12 A. Georgetown shorts and white and blue Georgetown
13 shirt.

14 Q. And does this say Georgetown?

15 A. Yes.

16 Q. Those are the clothes you were wearing at the
17 time you were booked into the jail?

18 A. Right.

19 MR. SLAVENS: That's all I have, sir.

20 THE COURT: Cross-examination.

21 CROSS-EXAMINATION

22 BY MR. ARNTZ:

23 Q. Mr. Elofskey, prior to June 22d of 1992, how long
24 had you known Walter Polson?

25 A. Three or four years.

1 Q. And how was it that the two of you met?

2 A. He was dating a girl name Debra Terry.

3 Q. And the two of you spent any time together during
4 that three or four years prior to June 22d?

5 A. We lived on Vine Street together.

6 Q. Yourself and Walter Polson used to live together?

7 A. Me; Walter; his ex-girlfriend, Debra Polson; and
8 my wife now, Julie Elofskey.

9 Q. What period of time did you and Walter live
10 together?

11 A. All four of us lived together for approximately
12 two or three months.

13 Q. What year would that have been?

14 A. '90 or '91.

15 Q. All right. And then after the two of you were no
16 longer living together in '90 or '91, did you spend any
17 more time together prior to June 22d?

18 A. We moved together with some friends together on
19 Detroit.

20 Q. When would that have been?

21 A. Right after we moved out of Vine Street.

22 Q. For how long did you live at the second address
23 together?

24 A. Till I went to the workhouse.

25 Q. When did that happen?

1 A. That happened in '90.

2 Q. 1990?

3 A. Right.

4 Q. And when was it that you were able to get
5 together with him again?

6 A. While I was in the workhouse.

7 Q. You met up with him again there?

8 A. Yes. We were in there on the same charge.

9 Q. Yourself and Walter Polson?

10 A. Right.

11 Q. And the two of you were able to communicate there
12 at the workhouse there again?

13 A. Right.

14 Q. And did the two of you eventually hook up
15 together after you left the workhouse?

16 A. Yes.

17 Q. Did you live together anymore or just see each
18 other?

19 A. Just seen each other.

20 Q. How frequently would you see each other after you
21 were no longer at the workhouse together?

22 A. Well, not very often until he started dating my
23 cousin Terri Lynn.

24 Q. Did the two of you have Terri Lynn in common,
25 don't you?

1 A. Yes.

2 Q. And Walter's girlfriend is your cousin, Terri
3 Lynn, am I right?

4 A. Right.

5 Q. For that reason alone the two of you would see
6 each other from time to time even after you were no
7 longer in the workhouse together?

8 A. Every once in a while.

9 Q. And you would run around together, I take it?

10 A. After I got out of the workhouse?

11 Q. Uh-huh.

12 A. Maybe once or twice.

13 Q. Once or twice.

14 When the two of you were together, who would be
15 the leader of that team?

16 MR. SLAVENS: Objection, your Honor.

17 THE COURT: Do you understand the
18 question?

19 THE WITNESS: Pretty much.

20 THE COURT: I'm going to overrule. Go
21 ahead. You can answer, Mr. Elofskey.

22 A. Pretty much both of us.

23 BY MR. ARNTZ:

24 Q. Both of you.

25 One of you didn't tend to take the lead more than

1 the other?

2 A. It depends on what we were doing. I had the car,
3 you know.

4 Q. Walter never had a car, did he?

5 A. No, well, off and on he did.

6 Q. But you were the one who had the car most of the
7 time, isn't that true?

8 A. Right.

9 Q. So you would be the driver when the two of you
10 would go out together, am I right?

11 A. Yes.

12 Q. And I think you told the prosecutor you had only
13 met Weston Howe recently, right before these events
14 occurred on June 22d, is that correct?

15 A. Right.

16 Q. And are you closer to Walter than you are to
17 Weston?

18 A. Yes.

19 Q. And, in fact, on June 22d, you didn't even know
20 Weston's last name, did you?

21 A. Yes, I did.

22 Q. Do you remember speaking to Detective Wade Lawson
23 and being unable to tell him Weston's last name?

24 A. As far as I know, I told him his last name.

25 Q. Do you recall during your videotaped interview

1 with Detective Wade Lawson, you were unable to tell him
2 Weston's last name?

3 A. I don't recall.

4 Q. Is it possible that that happened?

5 MR. SLAVENS: Objection, your Honor.

6 THE COURT: Sustained.

7 BY MR. ARNTZ:

8 Q. How do you support yourself, Mr. Elofskey?

9 A. Odds and ends.

10 Q. What sort of odds and ends?

11 A. Whatever I can to make money.

12 Q. Give me an example.

13 A. Drive people around.

14 Q. Well, you're a male hustler, aren't you?

15 A. Off and on.

16 Q. Okay. By that, we mean a male prostitute?

17 A. Right.

18 Q. And that's been going on for quite a few years,
19 hasn't it?

20 A. Yes.

21 Q. And this is how you have come to become familiar
22 with the levee area?

23 A. Right.

24 Q. And, of course, you been out to the levee a
25 number of times prior to June 22d of last year?